

1 RENE L. VALLADARES  
Federal Public Defender  
2 Nevada State Bar No. 11479  
MARTIN L. NOVILLO  
3 Assistant Federal Public Defender  
411 E. Bonneville, Ste. 250  
4 Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
5 (702) 388-6261/Fax  
Martin\_Novillo@fd.org  
6 Attorney for Enrique Cervantes-Ochoa  
7

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
11  
12 Plaintiff,  
13 v.  
14 ENRIQUE CERVANTES-OCHOA,  
15 Defendant.

Case No. 2:24-mj-00563-MDC

**STIPULATION TO CONTINUE  
MOTION DEADLINES AND BENCH  
TRIAL**  
(First Request)

16  
17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
18 United States Attorney, and Skyler Pearson, Assistant United States Attorney, counsel for the  
19 United States of America, and Rene L. Valladares, Federal Public Defender, and Martin L.  
20 Novillo, Assistant Federal Public Defender, counsel for Enrique Cervantes-Ochoa, that bench  
21 trial scheduled for December 18, 2024, be vacated and set to a date and time convenient to this  
22 Court, but no sooner than thirty (30) days.

23 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to  
24 and including December 23, 2024, to file any and all pretrial motions and notices of defense.

25 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
26 shall have to and including January 6, 2025, to file any and all responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
2 shall have to and including January 13, 2025, to file any and all replies to dispositive motions.

3 The Stipulation is entered into for the following reasons:

4 1. Counsel for the defendant has yet to receive discovery in this case. Once counsel  
5 receives discovery, he will need to review the same and determine whether there are any pretrial  
6 issues that must be litigated and whether the case will ultimately go to trial or will be resolved  
7 through negotiations.

8 2. The defendant is out of custody and does not object to the continuance.

9 3. The parties agree to the continuance.

10 4. The additional time requested herein is not sought for purposes of delay, but  
11 merely to allow counsel for the defendant sufficient time to review any discovery materials  
12 provided by the Government.

13 5. Additionally, denial of this request for continuance could result in a miscarriage  
14 of justice. The additional time requested by this Stipulation is excludable in computing the time  
15 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
16 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
17 Section 3161(h)(7)(B)(i), (iv).

18 This is the first stipulation to continue filed herein.

19 DATED this 22nd day of November, 2024.

20 RENE L. VALLADARES  
21 Federal Public Defender

JASON M. FRIERSON  
United States Attorney

22 By /s/ Martin H. Novillo

By /s/ Skyler Pearson

23 MARTIN H. NOVILLO  
Assistant Federal Public Defender

SKYLER PEARSON  
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 ENRIQUE CERVANTES-OCHOA,

7 Defendant.

Case No. 2:24-mj-00563-MDC

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

9  
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
12 Court finds that:

13 1. Counsel for the Government needs additional time to propound discovery. The  
14 defendant needs additional time to review discovery, once it is received, and determine whether  
15 there are any pretrial issues that must be litigated and whether the case will ultimately go to  
16 trial or will be resolved through negotiations.

17 2. The defendant is out of custody and does not object to the continuance.

18 3. The parties agree to the continuance.

19 4. The additional time requested herein is not sought for purposes of delay, but  
20 merely to allow counsel for the defendant sufficient time to review any discovery materials  
21 provided by the Government.

22 5. Additionally, denial of this request for continuance could result in a miscarriage  
23 of justice. The additional time requested by this Stipulation is excludable in computing the time  
24 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
25 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
26 Section 3161(h)(7)(B)(i), (iv).

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

**ORDER**

IT IS THEREFORE ORDERED that the parties herein shall have to and including December 23, 2024 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including January 6, 2025 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including January 13, 2025 to file any and all replies.

IT IS FURTHER ORDERED that the bench trial currently scheduled for December 18, 2024, at the hour of 9:00 a.m., be vacated and continued to January 22, 2025 at the hour of 9:00a.m.

DATED this 25th day of November, 2024.

  
\_\_\_\_\_  
Hon. Maximiliano D. Couvillier III  
UNITED STATES MAGISTRATE JUDGE